

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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E. JEAN CARROLL,

USDC SDNY
DOCUMENT
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DATE FILED: 11/20/2020

Plaintiff,

-against-

20-cv-7311 (LAK)

DONALD J. TRUMP in his personal capacity,

Defendant.

ORDER

LEWIS A. KAPLAN, *District Judge*.

This action was commenced against Donald J. Trump in his individual (not his official) capacity in New York State court. By substitution for the original private counsel for Mr. Trump, Mark E Kasowitz, Christine A. Montenegro, and Paul J. Burgo of the firm of Kasowitz Benson Torres LLP appeared on defendant's behalf on July 24, 2020. Dkt. 14-108.

On September 8, 2020, the United States of America – represented by Stephen Terrell and other attorneys at the Department of Justice (the “DOJ”) – removed the action to this Court and later moved to substitute the United States as defendant in place of Mr. Trump. Dkt. 1. On October 27, 2020, I denied that motion. Dkt. 33.

Section 1450 of the Judicial Code, 28 U.S.C. § 1450, provides in relevant part that “[a]ll injunctions, orders, and other proceedings had in such action [i.e., any removed action] prior to its removal shall remain in full force and effect until dissolved or modified by the district court.” Accordingly, by virtue of their appearance on behalf of Mr. Trump in the state court, Messrs. Kasowitz and Burgo and Ms. Montenegro represent Mr. Trump in this removed action unless and until relieved by this Court. Nevertheless, the docket sheet erroneously lists Mr. Terrell and another attorney as counsel for defendant Trump. That is incorrect. They represent only the United States.

The Clerk shall correct the docket sheet to reflect that (1) Messrs. Terrell and his colleagues at the DOJ represent only the United States of America and (2) Messrs. Kasowitz and Burgo and Ms. Montenegro represent Mr. Trump. The Clerk shall mail copies of this order, all others entered by this Court subsequent to removal, and the Court’s opinion to counsel for Mr. Trump.

SO ORDERED.

Dated: November 18, 2020


Lewis A. Kaplan
United States District Judge